

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Appeal From TEACH Wisconsin of a 2013 E-rate
Form 471 Category of Service Error

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CC Docket No. 02-6

—APPEAL—

**REQUEST FOR FCC TO DIRECT USAC TO CHANGE THE FORM 471 CATEGORY
OF SERVICE**

Appellant:

TEACH Wisconsin (BEN: 199528)
101 East Wilson St, 8th Floor
PO Box 7844
Madison WI 53702

2013 application information:

Establishing form 470: 449990000499944 (filed July 9, 2004)
Form 471: 902390 (filed March 11, 2013)
FRN: 2497448
FCDL received: April 4, 2014
Service provider: Wisconsin Bell, Inc. (aka AT&T, SPIN 143001856)

To Whom It May Concern:

When staff in the TEACH Wisconsin program recently tried to file the E-rate form 486 for the above application by the August 2, 2014 deadline, we realized that question #11 on our form 471 mistakenly listed the service as "Internet Access." The correct category of service is "Telecommunications." We immediately contacted USAC to correct this error but USAC said it did not have the authority to make this correction and that we needed to file an appeal directly with the Commission. Thus we are submitting this appeal. (This is not an appeal in the traditional sense because we have not been denied funding.)

The background and facts in this case are straight-forward. The 470 for this application was filed for both telecommunication and Internet access. This 470 resulted in a multi-year, statewide contract with Wisconsin Bell for telecommunication services on our statewide (BadgerNet) network. The 2013 form 471 we filed was on this same multi-year BadgerNet contract. Thus it is very important to note that because the 471 was filed on an existing contract *there was no violation of the FCC's competitive bidding requirement*. We simply made an inadvertent error and selected the wrong form 471 Category of Service.

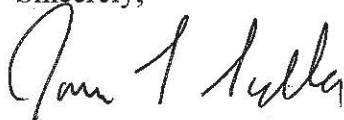
There is Commission precedent to allow for such a correction. In an Order¹ the Commission released on December 16, 2010, it specifically recognized in paragraph two that "selecting the wrong category of service" on the form 471 was an inadvertent ministerial or clerical error.

The funding commitment letter we received was for \$13,928,920.56, which represents the broadband discounts for 920 Wisconsin schools and libraries on BadgerNet. (This is one of the largest E-rate consortium applications in the country.) Considering the magnitude and impact of this application, it is essential that we get this Category of Service error corrected so that we can file the follow-up form 486.

In conclusion, we hope you will see from the above information that we simply made an inadvertent error in selecting the wrong category of service and this did not in any way violate the Commission's competitive bidding rule. Thus, ***we ask the Commission to direct USAC to change the Category of Service on our 2013 form 471 to "Telecommunications."***

We appreciate your review of this request and please contact me if you have any questions.

Sincerely,



James L. Sylla

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Division of Enterprise Technology
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¹ Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools, Ann Arbor MI, et al. File Nos. SLD-542873, et al. CC Docket No. 02-6. Released December 16, 2010. (http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-2354A1.pdf).